

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 04-81148-WRS

Chapter 13

TERRI SHARPE,

Debtor

**MEMORANDUM DECISION**

This Chapter 13 case is before the Court upon the Debtor's motion to reconsider its order of dismissal. (Doc. 22). The Court will first review the history of these proceedings and then consider the motion.

The Debtor filed a petition in bankruptcy pursuant to Chapter 13 of the Bankruptcy Code on August 9, 2004. The Debtor moved to pay her filing fee in installments. (Doc. 2). On August 10, 2004, the Court granted the Debtor's motion. (Doc. 6). While the rules permit up to 120 days to pay the filing fee, the Debtor requested only 30 days. (Doc. 2). On December 21, 2004, more than 120 days after the date the petition was filed, the Clerk gave notice of dismissal on the grounds that the filing fee had not been paid. (Doc. 17). Pursuant to the terms of the notice, the Debtor had 20 days to pay the balance owed, or file a response. (Doc. 17), see also, LBR 1017-1. On January 24, 2005, the Court dismissed this case. (Doc. 19). The Court's record does not indicate that any payments had been made and that no response had been filed.

Later on the day of January 24, 2005, the Debtor paid the filing fees and moved to reconsider the order of dismissal. (Doc. 22). The motion does not explain why the Debtor failed to timely make her installment payments, nor does it explain her failure to timely respond to the notice of dismissal. For these reasons, the motion to reconsider is denied.

Done this 15<sup>th</sup> day of February, 2005.

/s/ William R. Sawyer  
United States Bankruptcy Judge

c: Charles M. Ingram Sr., Attorney for Debtor  
Curtis C. Reding, Trustee